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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0033-0630P	
		Application Number 09/451,097-Conf. #8589	Filed November 30, 1999
		First Named Inventor Shuichi WATANABE	
		Art Unit 2613	Examiner R. J. Lee
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>19,382</u></p> <p> Signature Terrell C. Birch Typed or printed name</p> <p>(703) 205-8000 Telephone number</p> <p>September 20, 2005 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: 0033-0630P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Shuichi WATANABE

Application No.: 09/451,097

Confirmation No.: 8589

Filed: November 30, 1999

Art Unit: 2613

For: IMAGE RETRIEVING APPARATUS  
PERFORMING RETRIEVAL BASED ON  
CODING INFORMATION UTILIZED FOR  
FEATURED FRAME EXTRACTION OR  
FEATURE VALUES OF FRAMES

Examiner: R. J. Lee

**STATEMENT IN SUPPORT OF REQUEST FOR  
PRE-APPEAL BRIEF REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following information is provided in support of the attached Request for Pre-Appeal Brief Review.

**Rejections Under 35 U.S.C. 103(a)**

Claims 1 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Nagasaka. It is respectfully submitted that a proper motivation for combining Takashima and Nagasaka has not been provided to support this rejection. The Office Action indicates that it would be obvious to combine these references because "one of ordinary skill in the art ... would have had no difficulty in providing the frame feature value storing unit

126 of 128 of Nagasaka et al to be connected to the frame feature value generating unit 101 of Figure 11 of Takashima....” The fact that a combination might be made “without difficulty” is not the standard for establishing a motivation to combine references. See, MPEP 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 16 U.S.P.Q. 2d 1430 (Fed. Cir. 1990). Neither the present application nor Nagasaka mentions buffering of data, and Takashima does not discuss “buffering of data for timely processings” as stated in the Office Action. For these reasons, it is respectfully submitted that a proper motivation to combine these references has not been identified, that a *prima facie* case of obviousness has not been presented, and that claim 1 and its dependent claim 27 are allowable over the art of record.

***Rejection Under 35 U.S.C. 102(b)***

Claim 37 stands rejected under 35 U.S.C. 102(b) as being anticipated by Takashima. Claim 37 requires a step of calculating statistics of motion vector information related to image data and a step of generating a frame feature value comprising numerical information representing a quantity of a feature contained in a frame of the image data using the calculated statistics. The examiner has argued that one of the following two quotes from Takashima show this claimed step: 1) “...the ME circuit 103 detects the motion vector across the interval between I-pictures”; 2) “The scene change detection circuit 101 finds the sum of absolute values of residuals obtained at the time of motion vector detection by the ME circuit 103. If a scene change has been detected, the information on the sum of the absolute values is routed to the

timing control circuit 105.”

#### Takashima Does Not Calculate Statistics of Motion Vectors

It is respectfully submitted that the first statement above merely describes the determination of a motion vector. Finding a motion vector is not the same as the claimed step of calculating statistics of motion vectors. As discussed during the interview, an example of calculating statistics of motion vectors in one embodiment of the invention comprises calculating averages of motion vectors. It is respectfully submitted that a step of detecting a motion vector in Takashima does not show or suggest the claimed step of calculating statistics of motion vectors as required by claim 37.

It is also respectfully submitted that the reference to a “sum of absolute values” refers to absolute values of residuals that are left after a scene change is detected. Residuals in turn are “bits left at the trailing end of a GOP (column 9, lines 22-24). These residuals are not motion vectors and are not statistics of motion vectors. Summing the absolute values of residuals does not provide statistics of motion vector information as required by claim 37.

For the above reasons, it is respectfully submitted that Takashima does not show or suggest a step of calculating statistics of motion vector information as required by claim 1, and that claim 1 is allowable over Takashima for at least this reason.

#### Takashima Does Not Generate A Frame Feature Value Based on Statistics

Claim 37 further requires a step of generating a frame feature value. As discussed above, it appears that the examiner interprets the word “information” in the phrase “the information on

the sum of the absolute values” to show a frame feature value. As explained by the examiner, the frame feature value might be the binary representation of the motion vector or sum of residuals found in an earlier step. However, the claimed frame feature value represents “a quantity of a feature contained in a frame of image data.” Even under the examiner’s interpretation, which is not believed to be consistent with the specification and arguments presented to date, the binary representation of a vector is not a value based on statistics of motion vector information (because no statistics of motion vector information are calculated) and does not appear to provide information on “the quantity of a feature contained in a frame.” It is not clear what “feature contained in a frame” is being described by the binary representation of a motion vector or a residual. For this reason, it is respectfully submitted that Takashima does not show the claimed step of generating a frame feature value and that Takashima is allowable over the references of record for at least this reason.

**CONCLUSION**

Reconsideration and allowance of claims 1, 27 and 37 is respectfully requested in view of the foregoing remarks.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 20, 2005

Respectfully submitted,

By 

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